



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,950	05/22/2006	Ronald Leslie Johnson	FBR/0004	9562

26290 7590 07/06/2009
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER

HAGEMAN, MARK

ART UNIT	PAPER NUMBER
----------	--------------

3653

MAIL DATE	DELIVERY MODE
-----------	---------------

07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,950

Applicant(s)

JOHNSON ET AL.

Examiner

Mark Hageman

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,141,821 to Wolff. Wolff discloses a panel (1) member having a periphery defined by a pair of opposed, parallel sides and a pair of opposed parallel ends (figure 1); a mounting formation (21) arranged about at least a part of the periphery of the panel member for mounting the panel member on an underlying frame; a plurality of discrete aperture arrays (6) defined in a surface of the body member; and a skirt portion (8) circumscribing each aperture array, each skirt portion depending from a lower surface of the panel member and a reinforcing arrangement (7) arranged beneath each aperture array.

Re claim 2 each aperture array is substantially rectangular when viewed in plan (figures 1 and 2).

Re claim 15 a reinforcing arrangement (7) arranged beneath each aperture array, the reinforcing arrangement being bounded by its associated skirt portion (8).

Re claim 3 each reinforcing arrangement includes at least one reinforcing member (7) extending from a part of the skirt portion on one side of its associated aperture array to a part of the skirt portion on an opposed side of the aperture array.

Re claim 4 the at least one reinforcing member is a rib (7) which is arranged beneath the aperture array.

Re claim 5 secondary reinforcing elements extend outwardly from the reinforcing member (7 in one direction vs. the other ribs 7 in the transverse direction).

Re claim 6 the secondary reinforcing elements comprise a series of spaced, parallel elements arranged transversely to the reinforcing member and extending from the reinforcing member to the skirt portion.

Re claim 7 the mounting formation comprises a plurality of clips (figure 17, 10).

Re claim 8 the clips are integrally formed with the panel member as a one-piece unit (figure 17). When fully assembled/formed examiner contends that the embodiment shown in figure 17 (as part of panel of figure 1) is a one-piece and therefore anticipates the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of WO 01/41944 to Eeles. Wolff discloses all the limitations of the claim except an assembly containing multiple modules attached to an underlying frame and the specifics of the attachments. Eeles discloses an assembly containing multiple modules attached to an underlying frame and the specifics of the attachments as discussed in detail below in order to allow for easy replacement of the screens and modular replacement of frame parts (p5 lines 10+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have used the panel of Wolff in the arrangement taught by Eeles in order to allow for easy replacement of the screens and modular replacement of frame parts.

Re claim 9 Eeles discloses the skirt portions are arranged such that channels are defined between adjacent parts of skirt portions of adjacent aperture arrays, the channels being dimensioned to be a sliding fit over support members of the underlying frame (see 18 and 54 in figure 4).

Re claim 10 Eeles discloses each channel permits vertical displacement of the panel member relative to the underlying support members to facilitate dislodging of material blinding apertures. The fact that the panel is removable shows that the channel allows for vertical displacement.

Re claim 11 Eeles discloses a plurality of screening modules (figurer 4), each as claimed in claim 1; and a support frame (50 etc. figure 4) on which the screening modules are removably mounted.

Re claim 12 Eeles discloses the support frame has rails (56, 52) to be engaged by the mounting formation of the module.

Re claim 13 Eeles discloses the support frame includes support members which underlie the panel member of each screening module the support members spanning the space between adjacent, parallel rails of the frame (54).

Re claim 14 Eeles discloses the support frame is a demountable frame (figure 4 and p2 lines 20+).

Response to Arguments

5. Applicant's arguments filed 4-7-2009 have been fully considered but they are not persuasive. Applicant stated "Wolff does not disclose a reinforcing arrangement

arranged beneath each aperture array." Examiner disagrees and maintains, as set forth above, that when screening areas (6) are considered the aperture array supporting elements (7) anticipate the reinforcing arrangement arranged beneath each aperture array.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

MCH